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*Attorneys for Defendants Liberty Mutual Insurance
Company and Helmsman Management Services, LLC*

**IN THE UNITED STATES DISTRICT COURT,
DISTRICT OF UTAH, CENTRAL DIVISION**

KAREN CHRISTOFFERSEN,

Plaintiff,

vs.

UNITED PARCEL SERVICE, INC.,
LIBERTY MUTUAL INSURANCE
COMPANY, and HELMSMAN
MANAGEMENT SERVICES LLC,

Defendants.

NOTICE OF REMOVAL

Case No. 2:13-cv-00068 EJF

Magistrate Judge Evelyn J. Furse

Defendants Liberty Mutual Insurance Company and Helmsman Management Services, LLC (“Liberty Defendants”), hereby give notice of the removal to the United States District Court for the District of Utah, Central Division, of the claims that have been asserted against them in the above-entitled action from the Third Judicial District Court in and for Tooele County, State of Utah, Case No. 120301543. This Notice of Removal is filed pursuant to 28 U.S.C. §§ 1441 and 1446. As grounds for removal, the Liberty Defendants state as follows:

1. On or about August 30, 2012, Plaintiffs filed the Complaint in this action in the Third Judicial District Court of the State of Utah, County of Tooele, Case No. 120301543 (“State Court Action”).

2. The Liberty Defendants were served with a Summons and a copy of the Complaint in the State Court Action on December 27, 2012. The Summons and Complaint are attached as part of Exhibit 1.

3. Removal is therefore timely under 28 U.S.C. § 1446(b), because this Notice is filed within 30 days after service upon the Liberty Defendants of the Summons and Complaint.

4. Under 28 U.S.C. § 1441, this Court is the appropriate forum in which to file this Notice of Removal because the United States District Court for the District of Utah, Central Division is the federal judicial district embracing Tooele County, Utah, the county in which the State Court Action was filed.

5. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a). Federal diversity jurisdiction exists because all named parties are completely diverse and the amount in controversy exceeds \$75,000.

6. Plaintiff is a resident of Salt Lake County, Utah. Compl. ¶¶ 1.

7. Liberty Mutual Insurance Company is a Massachusetts company with its principal place of business located in Boston, Massachusetts. Helmsman Management Services LLC is a Massachusetts limited liability company with its principal place of business located in Boston, Massachusetts. Defendant United Parcel Service, Inc. is an Ohio corporation with its principal place of business located in Atlanta, Georgia.

8. Therefore, complete diversity exists because no Defendant is a citizen of the same state as any one Plaintiff. *See* 28 U.S.C. § 1332(a)(1).

9. The amount in controversy in this matter exceeds \$75,000, exclusive of interest and costs, because Plaintiff contends her damages “are such as to qualify for tier 3 under Utah

Rule of Civil Procedure 26(c)(3).” Compl. ¶ 6. “Tier 3” cases are “[a]ctions claiming \$300,000 or more in damages.” U.R.C.P. 26(c)(3). *See Laughlin v. Kmart Corp.*, 50 F.3d 871, 873 (10th Cir. 1995) (“The amount in controversy is ordinarily determined by the allegations of the complaint.”).

10. The undersigned has obtained the consent of the other named defendant for removal. Written consent has been attached as Exhibit 2.

11. A copy of this Notice of Removal and related documents is being served this date by regular mail on Plaintiff’s counsel of record in the State Court Action.

12. Pursuant to 28 U.S.C. § 1446, counsel for the Liberty Defendants has caused a copy of a Notice of Removal to be filed with the Clerk of the Third Judicial District Court of the State of Utah, County of Tooele.

13. Also filed concurrently herewith is an Appendix containing copies of process and pleadings served in the State Court Action. This Appendix and the related documents are attached hereto as Exhibit 1.

WHEREFORE, the Liberty Defendants respectfully request that this Notice of Removal be filed, the State Court Action be removed to and proceed hereafter in this Court, and no further proceedings be had in the Third Judicial District Court of the State of Utah.

DATED this 25th day of January, 2013.

SNELL & WILMER L.L.P.

/s/ ADAM C. BUCK

Matthew L. Lalli

Adam C. Buck

Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on this 25th day of January, 2013, a true and correct copy of the foregoing
NOTICE OF REMOVAL was mailed, postage pre-paid to the following:

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/s/ Adam C. Buck _____